

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PENELOPE ANN PROVINE, a.k.a.
PENELOPE A. TISMA

26137 Via Monterey
San Juan Capistrano, CA 92675

Registered Nurse License No. 182564
Public Health Nurse Certificate No. 35410

Respondent

Case No. 2007-07-0859

Accusation No. 2007-238


OAH No. L-2007090345

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on October 11, 2008.

IT IS SO ORDERED September 11, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 JAMES M. LEDAKIS, State Bar No. 132645
Supervising Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:
13 PENELOPE ANN PROVINE, AKA
PENELOPE A. TISHMA
14 26137 Via Monterey
San Juan Capistrano, CA 92675
15 Registered Nursing No. 182564
Public Health Nurse Certificate No. 35410

16
17 Respondent.

Case No. 2002-07-0859

Accusation No. 2007-238

OAH No. L-2007090345

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the Board of Registered Nursing, (Board) the parties
20 hereby agree to the following Stipulated Settlement and Disciplinary Order which will be
21 submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by James M. Ledakis, Supervising Deputy Attorney General.

27 2. Penelope Ann Provine, aka Penelope A. Tishma (Respondent) is
28 represented in this proceeding by attorney Paula Henry, Esq., whose address is 27422 Portola

1 Parkway, Suite 360, Foothill Ranch, CA 92610.

2 3. On or about June 30, 1967, the Board of Registered Nursing issued
3 Registered Nursing License No. 182564 to Penelope Ann Provine, aka Penelope A. Tishma.
4 Said license will expire on April 30, 2009, unless renewed.

5 4. On or about December 1, 1983, the Board of Registered Nursing issued
6 Public Health Nurse Certificate No. 35410 to Penelope Ann Provine, aka Penelope A. Tishma.
7 Said license will expire on April 30, 2009, unless renewed.

8 **JURISDICTION**

9 5. Accusation No. 2002-07-0859 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on April 25, 2007. Respondent timely filed her Notice of
12 Defense contesting the Accusation. A copy of Accusation No. 2002-07-0859 is attached as
13 exhibit A and incorporated herein by reference.

14 **ADVISEMENT AND WAIVERS**

15 6. Respondent has carefully read, fully discussed with counsel, and
16 understands the charges and allegations in Accusation No. 2002-07-0859. Respondent has also
17 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
18 Settlement and Disciplinary Order.

19 7. Respondent is fully aware of her legal rights in this matter, including the
20 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
21 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
22 the right to present evidence and to testify on her own behalf; the right to the issuance of
23 subpoenas to compel the attendance of witnesses and the production of documents; the right to
24 reconsideration and court review of an adverse decision; and all other rights accorded by the
25 California Administrative Procedure Act and other applicable laws.

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
27 each and every right set forth above.
28

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations
3 contained in Accusation No. 2007-238 if proven at hearing constitute cause for discipline against
4 her Registered Nursing license. For the purpose of resolving the Accusation without the expense
5 and uncertainty of further proceedings, Respondent denies liability, however, Respondent agrees
6 that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation,
7 and that Respondent hereby gives up her right to contest those charges.

8 10. Respondent agrees that her Registered Nursing is subject to discipline and
9 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
10 Order below.

11 **RESERVATION**

12 11. The admissions made by Respondent herein are only for the purposes of
13 this proceeding, or any other proceedings in which the Board or other professional licensing
14 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

15 **CONTINGENCY**

16 12. The parties understand and agree that facsimile copies of this Stipulated
17 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

19 13. In consideration of the foregoing admissions and stipulations, the parties
20 agree that the Board may, without further notice or formal proceeding, issue and enter the
21 following Disciplinary Order:

22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that Registered Nursing Licensing No. 182564 and
24 Public Health Nurse Certificate No. 35410 issued to Respondent Penelope Ann Provine, aka
25 Penelope A. Tishma is revoked. However, the revocation is stayed and Respondent is placed on
26 probation for three (3) years on the following terms and conditions.

27 **Severability Clause.** Each condition of probation contained herein is a separate
28 and distinct condition. If any condition of this Order, or any application thereof, is declared

unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where she has ever been
3 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
4 provide information regarding the status of each license and any changes in such license status
5 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
6 new nursing license during the term of probation.

7 **5. Submit Written Reports.** Respondent, during the period of probation,
8 shall submit or cause to be submitted such written reports/declarations and verification of actions
9 under penalty of perjury, as required by the Board. These reports/declarations shall contain
10 statements relative to Respondent's compliance with all the conditions of the Board's Probation
11 Program. Respondent shall immediately execute all release of information forms as may be
12 required by the Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency
14 in every state and territory in which she has a registered nurse license.

15 **6. Function as a Registered Nurse.** Respondent, during the period of
16 probation, shall engage in the practice of registered nursing in California for a minimum of 24
17 hours per week for 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered
19 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
20 work in any non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice
22 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
23 Board.

24 If Respondent has not complied with this condition during the probationary term,
25 and Respondent has presented sufficient documentation of her good faith efforts to comply with
26 this condition, and if no other conditions have been violated, the Board, in its discretion, may
27 grant an extension of Respondent's probation period up to one year without further hearing in
28 order to comply with this condition. During the one year extension, all original conditions of

1 probation shall apply.

2 7. **Employment Approval and Reporting Requirements.** Respondent
3 shall obtain prior approval from the Board before commencing or continuing any employment,
4 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
5 performance evaluations and other employment related reports as a registered nurse upon request
6 of the Board.

7 Respondent shall provide a copy of this Decision to her employer and immediate
8 supervisors prior to commencement of any nursing or other health care related employment.

9 In addition to the above, Respondent shall notify the Board in writing within
10 seventy-two (72) hours after she obtains any nursing or other health care related employment.
11 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
12 terminated or separated, regardless of cause, from any nursing, or other health care related
13 employment with a full explanation of the circumstances surrounding the termination or
14 separation.

15 8. **Supervision.** Respondent shall obtain prior approval from the Board
16 regarding Respondent's level of supervision and/or collaboration before commencing or
17 continuing any employment as a registered nurse, or education and training that includes patient
18 care.

19 Respondent shall practice only under the direct supervision of a registered nurse
20 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
21 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
22 are approved.

23 Respondent's level of supervision and/or collaboration may include, but is not
24 limited to the following:

25 (a) Maximum - The individual providing supervision and/or collaboration is
26 present in the patient care area or in any other work setting at all times.

27 (b) Moderate - The individual providing supervision and/or collaboration is in
28 the patient care unit or in any other work setting at least half the hours Respondent works.

1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

27 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
28 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later

1 than six months prior to the end of her probationary term.

2 Respondent shall obtain prior approval from the Board before enrolling in the
3 course(s). Respondent shall submit to the Board the original transcripts or certificates of
4 completion for the above required course(s). The Board shall return the original documents to
5 Respondent after photocopying them for its records.

6 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
7 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
8 amount of \$4,000.00. Respondent shall be permitted to pay these costs in a payment plan
9 approved by the Board, with payments to be completed no later than three months prior to the
10 end of the probation term.

11 If Respondent has not complied with this condition during the probationary term,
12 and Respondent has presented sufficient documentation of her good faith efforts to comply with
13 this condition, and if no other conditions have been violated, the Board, in its discretion, may
14 grant an extension of Respondent's probation period up to one year without further hearing in
15 order to comply with this condition. During the one year extension, all original conditions of
16 probation will apply.

17 12. **Violation of Probation.** If Respondent violates the conditions of her
18 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
19 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
20 license.

21 If during the period of probation, an accusation or petition to revoke probation has
22 been filed against Respondent's license or the Attorney General's Office has been requested to
23 prepare an accusation or petition to revoke probation against Respondent's license, the
24 probationary period shall automatically be extended and shall not expire until the accusation or
25 petition has been acted upon by the Board.

26 13. **License Surrender.** During Respondent's term of probation, if she ceases
27 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
28 probation, Respondent may surrender her license to the Board. The Board reserves the right to

1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
2 take any other action deemed appropriate and reasonable under the circumstances, without
3 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
4 will no longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and
6 shall become a part of Respondent's license history with the Board. A registered nurse whose
7 license has been surrendered may petition the Board for reinstatement no sooner than the
8 following minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any
10 reason other than a mental or physical illness; or

11 (2) One year for a license surrendered for a mental or physical illness.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and
14 have fully discussed it with my attorney, Paul Henry, Esq. I understand the stipulation and the
15 effect it will have on my Registered Nursing, and Public Health Nurse Certificate. I enter into
16 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
17 agree to be bound by the Decision and Order of the Board.

18 DATED: June 25, 08.

19
20 
21 PENELOPE ANN PROVINE, AKA
22 PENELOPE A. TISHMA, Respondent

23 I have read and fully discussed with Respondent Penelope Ann Provine, aka
24 Penelope A. Tishma the terms and conditions and other matters contained in the above Stipulated
25 Settlement and Disciplinary Order. I approve its form and content.

26 DATED: June 25, 2008

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28 PAUL HENRY, ESQ.
Attorney for Respondent

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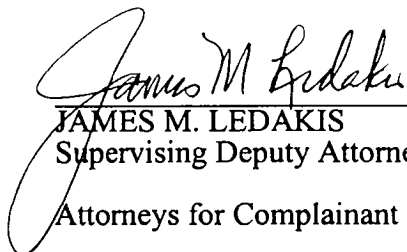
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: June 25, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

LINDA K. SCHNEIDER
Supervising Deputy Attorney General


JAMES M. LEDAKIS
Supervising Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SD2006800364
Tishma Stip Soft language.wpd

Exhibit A
Accusation No. 2002-07-0859

1 EDMUND G. BROWN JR, Attorney General
of the State of California

2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

3 SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General

4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2078
Facsimile: (619) 645-2061

8 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007-238

14 **PENELOPE ANN PROVINE TISHMA, aka**
15 **PENELOPE A. TISHMA**

ACCUSATION

15 26137 Via Monteray
San Juan Capistrano, CA 92675

16 Registered Nurse License No. 182564,
17 Public Health Nurse Certificate No. 35410,

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. **Registered Nurse License.** On or about September 30, 1967, the Board
25 of Registered Nursing ("Board") issued Registered Nurse License Number 182564 to Penelope
26 Ann Provine Tishma, also known as Penelope A. Tishma ("Respondent"). The license will
27 expire on April 30, 2007, unless renewed.

28 ///

1 3. **Public Health Nurse Certificate.** On or about December 1, 1983, the
2 Board issued Public Health Nurse Certificate Number 35410 to Respondent. The certificate
3 will expire on April 30, 2007, unless renewed.

4 **JURISDICTION**

5 4. Section 2750 of the Business and Professions Code ("Code") provides:

6 Every certificate holder or licensee, including licensees
7 holding temporary licenses, or licensees holding licenses placed
8 in an inactive status, may be disciplined as provided in this article
9 [Article 3 of the Nursing Practice Act (Bus. & Prof Code,
10 § 2700 et seq.)]. As used in this article, 'license' includes
11 certificate, registration, or any other authorization to engage
12 in practice regulated by this chapter. The proceedings under
13 this article shall be conducted in accordance with Chapter 5
14 (commencing with Section 11500) of Part 1 of Division 3 of
15 Title 2 of the Government Code [the Administrative Procedure
16 Act], and the board shall have all the powers granted therein.

17 5. Code section 2764 provides:

18 The lapsing or suspension of a license by operation of
19 law or by order or decision of the board or a court of law, or the
20 voluntary surrender of a license by a licentiate shall not deprive
21 the board of jurisdiction to proceed with any investigation of or
22 action or disciplinary proceeding against such license, or to
23 render a decision suspending or revoking such license.

24 **STATUTORY PROVISIONS**

25 6. Code section 2761, subdivision (a)(1), provides, in pertinent part:

26 The board may take disciplinary action against a certified or
27 licensed nurse or deny an application for a certificate or license for
28 any of the following:

 (a) Unprofessional conduct, which includes, but is not
 limited to, the following:

 (1) Incompetence, or gross negligence in carrying out
 usual certified or licensed nursing functions.

 7. Code section 125.3 provides that the Board may request the administrative
law judge to direct a licentiate found to have committed a violation or violations of the licensing
act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
the case.

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REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1442, provides:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

9. California Code of Regulations, title 16, section 1443, provides:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

10. California Code of Regulations, title 16, section 1443.5 provides:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

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(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

Background

11. Respondent was employed as a registered nurse by the Orange County Health Care Agency, Orange County Jail, located in Santa Ana, California, from on or about December 24, 2001, until her resignation during November 2002.

12. Patient Inmate #2054123. During the night shift of May 7, 2002, Respondent was notified that Patient Inmate #2054123 required medical assistance and a diabetic glucometer check prior to being transported to a court appearance. At approximately 05:00 hours, Respondent documented that Patient Inmate #2054123 was making "inappropriate" remarks. Respondent also documented that when given a command to open his hand in order to take medication, he raised his leg. Respondent's assessment of Patient Inmate #2054123 also included entries of, "Acting like DTs" and "MDSC re bizarre behavior missed crt." Despite indicators of an altered level of consciousness, Respondent did not conduct a full and complete assessment of the patient's condition.

13. Patient Inmate #2078227. At approximately 0400 hours, on September 16, 2002, Patient Inmate #2078227 was seen by Respondent. Review of entries in Patient Inmate #2078227's treatment chart reflect that at 0500 hours, the patient's temperature and pulse had increased. Further, the patient described her level of pain in the lower mid-abdominal area as "10" on a "1 to 10 scale." Despite this information, Respondent did not document Patient #2078227's medical history, perform a physical examination of the patient's abdomen, or recognize that Patient #2078227 was exhibiting signs consistent with those of an infection.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Gross Negligence)

3 14. Respondent's license is subject to discipline for unprofessional conduct
4 under Code section 2761, subdivision (a)(1), and Title 16 of California Code of Regulations
5 section 1442, in that on or about May 7, 2002, while employed by the Orange County Health
6 Care Agency, Orange County Jail, Respondent committed acts of negligence by failing to
7 perform a full and complete medical assessment of Patient Inmate #2054123.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Incompetence)

10 15. Respondent's license is subject to discipline for unprofessional conduct
11 under Code section 2761, subdivision (a)(1), and Title 16 of the California Code of Regulations
12 section 1443, in that while employed by the Orange County Health Care Agency, Orange County
13 Jail, Respondent committed acts of incompetence, as follows:

14 a. Patient Inmate #2054123. On or about May 7, 2002, Respondent failed
15 to document Patient Inmate #2054123's history of alcohol consumption prior to making an
16 assessment that the patient was "Acting like DTs."

17 b. Patient #2078227. On or about September 16, 2002, Respondent:

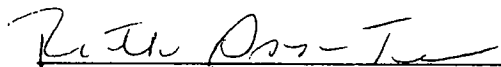
- 18 1. Failed to appropriately triage Patient #2078227;
- 19 2. Failed to immediately take the patient's vital sign readings;
- 20 3. Failed to address the increase in the patient's temperature and
- 21 pulse rate;
- 22 4. Failed to perform a physical assessment of the patient's
- 23 abdomen;
- 24 5. Failed to chart thorough and accurate "SOAP." (Subjective,
- 25 Objective, Assessment, and Plan) notes for the patient regarding
- 26 any factors affecting the patient's level of abdominal pain; and
- 27 6. Failed to recognize that Patient #2078227 was exhibiting signs
- 28 consistent with those of an infection.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 182564, issued to Penelope Ann Provine Tishma, also known as Penelope A. Tishma;
2. Revoking or suspending Public Health Nurse Certificate Number 35410, issued to Penelope Ann Provine Tishma, also known as Penelope A. Tishma;
3. Ordering Penelope Ann Provine Tishma, also known as Penelope A. Tishma to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: 3/26/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant